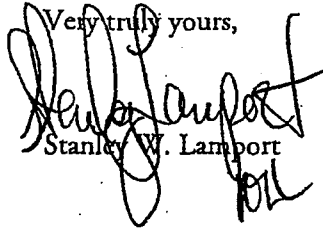


Ms. Tracy J. Egoscue  
February 12, 2009  
Page 2

We look forward to working with the Board to achieve an approval of La Paz's application before the June 30, 2009 deadline. The Permit Streamlining Act allows the Board to request additional information and documentation. La Paz will be happy to comply with any reasonable requests for further information the Board may have.

If you have any questions or require any further information in this regarding, please do not hesitate to contact us.

Very truly yours,  
  
Stanley W. Lamport

SWL/JRR/rsi  
47864\1381605v2

EXHIBIT 11



# California Regional Water Quality Control Board Los Angeles Region



Linda S. Adams  
Secretary for  
Environmental Protection

320 West Fourth Street, Suite 200, Los Angeles, California 90013  
Phone (213) 576-6600 ♦ Fax (213) 576-6640 ♦ Internet Address: <http://www.waterboards.ca.gov/losangeles>

Reply To: Jeffery M. Ogata, Senior Staff Counsel  
Office of Chief Counsel, P.O. Box 100, Sacramento, California 95812-0100  
Direct: (916) 341-5190 ♦ [jogata@waterboards.ca.gov](mailto:jogata@waterboards.ca.gov)  
Office: (916) 341-5161 ♦ Fax (916) 341-5199

Arnold Schwarzenegger  
Governor

March 11, 2009.

## VIA U.S. MAIL & EMAIL

Mr. Stanley W. Lamport  
Cox, Castle & Nicholson, LLP  
2049 Century Park East, 28<sup>th</sup> Floor  
Los Angeles, CA 90067-3284  
[slamport@coxcastle.com](mailto:slamport@coxcastle.com)

Dear Mr. Lamport:

### NOTIFICATION OF INCOMPLETE APPLICATION FOR WASTE DISCHARGE REQUIREMENTS, MALIBU LA PAZ, 3700 LA PAZ LANE, MALIBU, CALIFORNIA (FILE NO. 08-0101) , AND YOUR LETTER DATED FEBRUARY 12, 2009.

The Los Angeles Regional Water Quality Control Board (Regional Board) staff received your letter of February 12, 2009, stating your view that La Paz's Report of Waste Discharge (ROWD) was complete as of January 1, 2009.

We respectfully disagree because La Paz, contrary to your assertion, still has not submitted all of the information set forth in our letters as described below.

As we informed your client on January 15, 2008 and February 15, 2008, the ROWD for the Malibu La Paz project is not complete until the Department of Public Health (DPH) and our office has approved a Title 22 Engineering Report. Please note that the approval your client must obtain is approval of a final Title 22 Engineering Report (not just approval of a 'conceptual' Title 22 Engineering Report).

In the final Title 22 Engineering Report, we expect that your client will specify all engineering details for the treated wastewater that La Paz proposes to recycle, including the design for the plumbing system to reclaimed-water-flush toilets and for an irrigation disposal system that is capable of full evapo-transpiration (E-T) of the recycled water. While the Regional Board staff and the DPH support La Paz's conceptual approaches, your client has not yet provided critical details, such as the dual piping specifications including back-flow preventers needed for the toilet plumbing system, control features and sampling ports for the recycled water storage, and a model demonstrating the water cycle on the site and that reliance on E-T is realistic under critical conditions (wet seasons). As a specific example of a deficiency in the ROWD, there is only a general discussion, without substantiating evidence, that does not demonstrate that the design is adequate for predicted flows and that the project truly is not releasing any waste to the environment. Alternatively, if the design is not adequate to avoid a release to underlying groundwater

*California Environmental Protection Agency*

and your client proposes to pump some amount of groundwater to achieve a 'no net discharge,' that amount of groundwater pumping is not clear to us. Also, La Paz has not clearly demonstrated that it has a reasonable ability to reuse the groundwater it pumps, or, alternatively, if it will need an additional Waste Discharge Requirement for the groundwater it will pump (which would likely contain the wastewater the project will discharge).

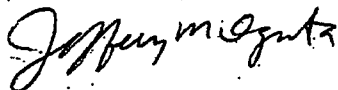
In our letter dated June 11, 2008 to Mr. Don Schmitz, staff again reiterated that "Conceptual approval and preparation of the Waste Discharge Requirements can be considered once CEQA is approved by the City of Malibu and the **Report of Waste Discharge is complete.**" (Emphasis added.) As set forth above, the ROWD is still not complete because your client, despite your assertion to the contrary, has not submitted all of the information detailed in the January 15, 2008 and February 15, 2008 letters.

Also, you stated in your February 12, 2009 to Tracy Egoscue that La Paz submitted a letter to the Regional Board that contained the City's CEQA documentation, informing the Board that "the application was complete in light of the Board's prior correspondence." We have not received a letter from La Paz dated December 2, 2008. Ms. Elizabeth Erickson received an email from Chris Deleau with his assertion on that date, but given all of our prior written correspondence set forth above, he was incorrect.

We are attempting to bring this matter to the Board for action but we still need the information described at the beginning of this letter.

We look forward to your comments and appreciate your assistance in providing the necessary information in a timely fashion. If you have any technical questions, please call Elizabeth Erickson at (213) 620-2264. I may be reached at (916) 341-5190.

Sincerely,



Jeffery M. Ogata  
Senior Staff Counsel

EXHIBIT 12

-----Original Message-----

From: Elizabeth Erickson [mailto:[eerickson@waterboards.ca.gov](mailto:eerickson@waterboards.ca.gov)]

Sent: Thursday, May 21, 2009 5:09 PM

To: Pio Lombardo; Wendy Phillips

Cc: Jeff Ogata; Rebecca Chou

Subject: Re: LaPaz Title 22 Engineering Report Submission

Hello Pio,

I have received your report and begun my review. Your new document includes subsurface disposal of off-spec flows, which we stated on April 24 would not be permitted under the your 'no-net discharge' ROWD.

Best.

7/23/2009

## EXHIBIT 13

**Stein, Tamar C.**

---

**From:** Stein, Tamar C.  
**Sent:** Friday, May 22, 2009 2:36 PM  
**To:** Elizabeth Erickson (eerickson@waterboards.ca.gov)  
**Cc:** JOgata@waterboards.ca.gov; pio@lombardoassociates.com; Wendy Phillips (wphillips@waterboards.ca.gov); DonS@schmitzandassociates.net; cdeleau@schmitzandassociates.net  
**Subject:** La Paz Title 22 Engineering Report Submission

---

Dear Ms. Erickson, Pio Lombardo has forwarded to me your email of May 21. Your email notes that La Paz's Title 22 Engineering Report "includes subsurface disposal of off-spec flows which we stated on April 24 would not be permitted...." At the meeting you reference, Mr. Lombardo explained that CIMIS was accepted for ET numbers and that this data and modeling established the water balancing and "no net discharge" aspect of the system. He also stated that the measure proposed by staff was impractical, unprecedented, without support in the record, and inconsistent with the Lumbeyard Project review and conditions. Staff is of course entitled to disagree with Mr. Lombardo's interpretation. However, staff is not the decisionmaker; the Board is the decisionmaker. Only the Board can determine what will be permitted and which interpretation will be adopted. Staff can recommend denial of the application; staff cannot require an applicant to accede to staff's interpretation as the quid pro quo for a hearing. La Paz will continue to respond immediately to any additional comments or questions that arise during the CA DPH/LARWQCB review that is now under way. As you know, La Paz expects a near term hearing date so staff can be assured that Mr. Lombardo and La Paz will respond on a timely basis. In closing, I hope that all recipients of this email will have a good holiday weekend. Very truly yours, Tamar Stein

Tamar C. Stein  
Cox Castle & Nicholson LLP  
2049 Century Park East, Suite 2800  
Los Angeles, CA 90067-3284  
Phone: 310-284-2248  
Fax: 310-277-7889  
Email: tstein@coxcastle.com

5/26/2009



EXHIBIT 14



Cox, Castle & Nicholson LLP  
2049 Century Park East, 28<sup>th</sup> Floor  
Los Angeles, California 90067-3284  
P 310.277.4222 F 310.277.7889

Tamar C. Stein  
310.284.2248  
tstein@coxcastle.com

**VIA E-MAIL AND U.S. MAIL**

File No. 47864

June 16, 2009

Jeffery M. Ogata, Esq.  
State Water Resources Control Board  
1001 I Street, 22nd Floor  
Sacramento CA 95814

Tracy J. Egoscue  
Executive Officer  
Los Angeles Regional Water Quality Control Board  
320 W. 4th Street, Suite 200  
Los Angeles CA 90013

Re: Notice of Intent to Provide Public Notice of Hearing  
Malibu La Paz Project: Application to Los Angeles Regional Water Quality  
Control Board for Waste Discharge and Water Reclamation Requirements  
(File No. 08-0101)

Dear Mr. Ogata and Ms. Egoscue:

Malibu La Paz Ranch, LLC ("La Paz") hereby notifies the Los Angeles Regional Water Quality Control Board ("Board") that it intends to provide public notice pursuant to Government Code section 65956(b) that La Paz's Application for Waste Discharge and Water Reclamation Requirements ("Application") will be deemed approved if the Board does not act within 60 days from the date of the public notice.

La Paz submitted its revised Application to the Board on January 8, 2008. In letters dated January 15, 2008 and February 15, 2008, the Board informed La Paz that the application was not complete. Since that time, La Paz has worked with the Board to complete the application.

On or about April 1, 2008, La Paz's engineer, Pio Lombardo, submitted La Paz's Waste Management Plan and materials to Elizabeth Erickson. He later submitted the California Department of Public Health's ("CDPH") May 30, 2008 conceptual approval of La Paz's Title 22 System to Ms. Erickson. On June 11, 2008, the Board confirmed receipt of the additional information and informed La Paz that it would begin reviewing La Paz's application "when La Paz's CEQA is approved by the City [of Malibu]."

The City of Malibu certified the Environmental Impact Report ("EIR") and approved La Paz's project on November 10, 2008. In a letter dated December 2, 2008, La Paz submitted the City's CEQA documentation to the Board and informed the Board that the Application was complete in light of the Board's prior correspondence.

Jeffery M. Ogata, Esq.  
Tracy J. Egoscue  
June 16, 2009  
Page 2

La Paz did not receive any response from the Board in the 30 day period following La Paz's December 2, 2008 submittal. Accordingly, under the Permit Streamlining Act, the application was deemed to be complete as of January 1, 2009. (Gov. Code, § 65943 (b).)

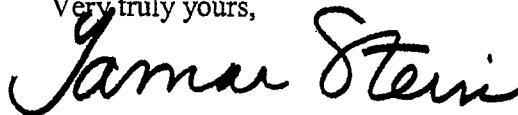
After its Application was deemed complete as a matter of law on January 2, 2009, La Paz has continued to work with staff to provide information they have requested. La Paz met with Board staff as well as representatives from the CDPH, the City of Malibu and the County of Los Angeles on April 21, 2009. Pursuant to Staff's request for additional materials following the filing of the application, Mr. Lombardo submitted a Title 22 Wastewater Engineering Report to the Board and the CDPH on May 12, 2009.

Because the application has now been deemed complete and the Board has failed to act on the application, La Paz intends to provide public notice pursuant to Government Code, section 65956 (b). Once La Paz has provided public notice, the Board will have 60 days from the date of notice or La Paz's Application will be deemed approved. (Gov. Code, § 65956 (b).)

La Paz has prepared the attached notice and project description in accordance with Section 65956 (b). La Paz intends to distribute the notice by mailing the notice to all property owners within a 1000 feet radius of the property boundaries and by publishing the notice in the Malibu Surfside News. The notice directs all interested parties to the LARWQCB for questions, comments or access to application materials. La Paz also requests that the Board post the notice on the Board's website.

La Paz requests that the Board provide it with a list of those persons with known interests in the Project, those who have requested written notice, or any other individuals or entities which need to be provided with the notice. La Paz will then mail the notice to those individuals and entities. In order to meet its obligations under Section 65956 (b), La Paz requests that the Board provide it with this list no later than June 23, 2009.

Very truly yours,



Tamar C. Stein

TCS/nmg

cc: Christi Hogin, Esq.  
Gregory A. Kovacevich, Esq.  
Ms. Stefanie Edmondson

47864\1396661v5

**Public Notice of Issuance of Water Reclamation Requirements ("WRRs") and Waste Discharge Requirements ("WDRs") for the Malibu La Paz Project proposed by Malibu La Paz Ranch, LLC ("La Paz"); Los Angeles Regional Water Quality Control Board ("LARWQCB") File No. 08-0101:**

The project consists of a 112,058 Sq. ft. commercial retail, restaurant and office facility and a 20,000 sq. ft. City Hall building to be located on three separate parcels of land totaling 15.29 acres in the Civic Center area of the City of Malibu; said parcels also being referred to as Los Angeles County Assessor Parcel Numbers 4458-022-023 & 4458-022-024. The project proposes to recycle and beneficially reuse all of its wastewater on-site for in-building toilet reuse and landscape irrigation in accordance with the provisions and specifications set forth in the "*Malibu La Paz Development Engineering Report for the Production, Distribution & Use of Title 22 Disinfected Tertiary Recycled Water*," dated May 6, 2009 as prepared by Lombardo Associates, Inc.. The applicant, La Paz, has filed a Report of Waste Discharge Application with the LARWQCB for Water Reclamation Requirements ("WRRs") and Waste Discharge Requirements ("WDRs") for the project.

This public notice is being provided by the applicant for the project in accordance with Government Code section 65956 (b) because the LARWQCB has failed to provide a hearing within the time required by the Permit Streamlining Act. Pursuant to Government Code section 65956 (b), *the WRRs/WDRs referenced herein shall be deemed approved if the LARWQCB has not acted by Monday, August 24, 2009, 60 days after this notice was provided.*

Members of the public who wish to learn more about the project should contact the LARWQCB. Please contact either LARWQCB Staff Member Elizabeth Erickson at (213) 620-2264 or Rebecca Chou at (213) 620-6156. Copies of all project plans, reports, correspondence and other relevant documentation may also be obtained directly from the LARWQCB, located at 320 West Fourth Street, Suite 200, Los Angeles, CA 90013 (213) 576-6600 (phone) or (213) 576-6640 (fax); [http://www.swrcb.ca.gov/losangeles/about\\_us/contact\\_us/](http://www.swrcb.ca.gov/losangeles/about_us/contact_us/).

## EXHIBIT 15

granted least private injury." The district will also be required to pay "fair market value" for the properties. The owners are expected to challenge the district's legal right to eminent domain.

The board's decision to approve the resolution is being criticized by district observers who have been calling for a rethink of the Edison expansion plan in light of rapidly declining

Jaffe, in an open letter to the school board dated June 13, called for the district to "revisit the need for building a new Edison school and other BB projects in light of pessimistic enrollment projections and economic conditions."

"Malibu parents need to know what the district is doing in town and not just at home," one parent told the Malibu Surfside News.

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## Public Notice of Issuance of Water Reclamation Requirements ("WRRs") and Waste Discharge Requirements ("WDRs") for Malibu La Paz Project proposed by Malibu La Paz Ranch, LLC ("LARWQCB") File No. 08-0101:

The project consists of a 112,058 Sq. ft. commercial retail, restaurant office facility and a 20,000 sq. ft. City Hall building to be located on separate parcels of land totaling 15.29 acres in the Civic Center area of the City of Malibu; said parcels also being referred to as Los Angeles Assessor Parcel Numbers 4458-022-023 & 4458-022-024. The project proposes to recycle and beneficially reuse all of its wastewater on-site building toilet reuse and landscape irrigation in accordance with the provisions and specifications set forth in the "Malibu La Paz Development Engineering Report for the Production, Distribution & Use of Title 22 Disinfected Tertiary Recycled Water," dated 6, 2009 as prepared by Lombardo Associates, Inc.. The applicant, La Paz, has filed a Report of Waste Discharge Application with the LARWQCB for Water Reclamation Requirements ("WRRs") and Waste Discharge Requirements ("WDRs") for the project.

This public notice is being provided by the applicant for the project in accordance with Government Code section 65956 (b) because the LARWQCB has failed to provide a hearing within the time required by the Permit Streamlining Act. Pursuant to Government Code section 65956 (b), **the WRRs/WDRs referenced herein shall be deemed approved by the LARWQCB has not acted by Monday, August 31, 2009, 20 days after this notice was provided.**

Members of the public who wish to learn more about the project should contact the LARWQCB. Please contact either LARWQCB Staff Member Elizabeth Erickson at (213) 620-2264 or Rebecca Chou at (213) 620-2264. Copies of all project plans, reports, correspondence and other relevant documentation may also be obtained directly from the LARWQCB, 320 West Fourth Street, Suite 200, Los Angeles, CA 90013 (213) 620-2264 (phone) or (213) 576-6640 (fax); [http://www.swrcb.ca.gov/losangeles/about\\_us/contact\\_us/](http://www.swrcb.ca.gov/losangeles/about_us/contact_us/).

**This notice supersedes any prior notice provided by La Paz.**

Published Date: July 2, 2009

## Agricultural Mystical Matilija Poppy is Abundant in Malibu



The majestic Matilija Poppy has burst into bloom in Malibu. Mary Elizabeth Parsons crowned the Matilija Poppy "the queen of all our flowers" in her book *The Wild Flowers of California*, which was written in 1897.

In the spring, this three-to-seven foot tall perennial produces enormous white



the garden/can also be in the neighborhood of Malibu (I think named the "C" of Malibu).

According to Barbara Bot the extreme tolerant flower planted in the fall. It is sun, easily in

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In the spring, this three-to-seven foot tall perennial produces enormous white tissue-paper-like, almost translucent blossoms with brilliant yellow centers. It is often called the fried egg flower, but its true botanical name is a tongue twister, *Romneya coulteri*. Some researchers attri-



the garden/can also be in the neighborhood of Malibu (I think named the "C" of Malibu).

According to Barbara Bot the extreme tolerant flower planted in the fall. It is sun, easily in its rootstock, good on slopes.

However, it dies back late after flowering. It is suggested that the

915 E First St  
Los Angeles CA 90012

**Proof of Publication**  
(2015.5 C.C.P.)

STATE OF CALIFORNIA,  
COUNTY OF LOS ANGELES

I am a citizen of the United States, and a resident of the county aforesaid; I am over the age of eighteen years; and I am not a party to or interested in the notice published. I am the chief legal advertising clerk of the publisher of the

**MALIBU SURFSIDE NEWS**

a newspaper of general circulation, printed and

published Weekly

in the City of Malibu  
County of Los Angeles, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of Los Angeles, State of California,

under the date of May 3 19 76

Case Number CL49959

that the notice, of which the attached is a printed copy, has been published in accordance with the requirements of said newspaper and not in any other manner on the following dates, to wit:

July 2

I in the year 2009  
certify (or declare) under penalty of perjury that the foregoing is true and correct.

Attest: Malibu

California, this 2 day of July 2009

[Signature]  
Signature

California Newspaper Service Bureau  
Public Notice Advertising Since 1934  
Tel 1-800-788-7840 • Fax 1-800-540-4089

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**Public Notice of Issuance of Water Reclamation Requirements ("WRRs") and Waste Discharge Requirements ("WDRs") for the Malibu La Paz Project proposed by Malibu La Paz Ranch, LLC ("La Paz"); Los Angeles Regional Water Quality Control Board ("LARWQCB") File No. 08-0101:**

The project consists of a 112,058 Sq. ft. commercial retail, restaurant & office facility and a 20,000 sq. ft. City Hall building to be located on the separate parcels of land totaling 15.29 acres in the Civic Center area of City of Malibu; said parcels also being referred to as Los Angeles County Assessor Parcel Numbers 4458-022-023 & 4458-022-024. The project proposes to recycle and beneficially reuse all of its wastewater on-site including building toilet reuse and landscape irrigation in accordance with the provisions and specifications set forth in the "Malibu La Paz Development Engineering Report for the Production, Distribution & Use of Title 22 Disinfected Tertiary Recycled Water," dated 6, 2009 as prepared by Lombardo Associates, Inc.. The applicant, La Paz, has filed a Report of Waste Discharge Application with the LARWQCB for Water Reclamation Requirements ("WRRs") and Waste Discharge Requirements ("WDRs") for the project.

This public notice is being provided by the applicant for the project in accordance with Government Code section 65956 (b) because the LARWQCB has failed to provide a hearing within the time required by the Permit Streamlining Act. Pursuant to Government Code section 65956, the WRRs/WDRs referenced herein shall be deemed approved if the LARWQCB has not acted by Monday, August 31, 2009, 60 days after this notice was provided.

Members of the public who wish to learn more about the project should contact the LARWQCB. Please contact either LARWQCB Staff Member Elizabeth Erickson at (213) 620-2264 or Rebecca Chou at (213) 620-6161. Copies of all project plans, reports, correspondence and other relevant documentation may also be obtained directly from the LARWQCB, 10332 West Fourth Street, Suite 200, Los Angeles, CA 90013 (213) 576-6640 (phone) or (213) 576-6640 (fax); [http://www.swrcb.ca.gov/losangeles/about\\_us/contact\\_us/](http://www.swrcb.ca.gov/losangeles/about_us/contact_us/).

**This notice supersedes any prior notice provided by La Paz.**

Published date: July 2, 2009

EXHIBIT 16



**Stein, Tamar C.**

---

**From:** Stein, Tamar C.  
**Sent:** Monday, June 22, 2009 12:27 PM  
**To:** 'Jeff Ogata'  
**Cc:** Tracy Egoscue; DonS@schmitzandassociates.net; cdeleau@schmitzandassociates.net; jperelman@sterlingpartners.com  
**Subject:** RE: Malibu La Paz Ranch LLC's Notice of Intent to Provide Public Notice  
**Importance:** High

Hello Jeff, Welcome back. I hope you had a good vacation. First, we would prefer the list in the fastest possible format, i. e. the one you can get to us most quickly. I'm guessing that would be via .pdf. Second, ordinarily I would want to be courteous. However, this is an extraordinary situation. RWQCB staff has stopped processing La Paz's application in violation of law, telling La Paz that the future anticipated Civic Center prohibition applies to the La Paz project. Therefore, in accordance with the Permit Streamlining Act, La Paz intends to give notice of the public hearing tomorrow. Ms. Egoscue received my Notice of Intent letter 6 days ago. She has not been on vacation. Although you were gone, you left the names of 2 other lawyers with whom she could have consulted. Ms. Egoscue is a lawyer, herself. The list should be easily available or readily assembled. We ask that Ms. Egoscue and you put this matter at the top of your pile so La Paz will not be hindered in giving Notice tomorrow. Thank you, Tamar

---

**From:** Jeff Ogata [mailto:JOgata@waterboards.ca.gov]  
**Sent:** Monday, June 22, 2009 12:03 PM  
**To:** Stein, Tamar C.  
**Cc:** Tracy Egoscue  
**Subject:** Re: Malibu La Paz Ranch LLC's Notice of Intent to Provide Public Notice

Hi Tamar, this is to acknowledge receipt of your letter referenced below. With respect to your request for a mailing list, we have two questions. First, do you have a preference about getting the mailing list in electronic or hard copy? Second, since I was on vacation last week and am getting through my emails today, would it be acceptable if we get you the mailing list before the end of this week? Thanks.

Regards,

Jeff

>>> "Stein, Tamar C." <TStein@coxcastle.com> 6/16/2009 3:46 PM >>>

Dear Ms. Egoscue and Mr. Ogata, Attached hereto is Malibu La Paz Ranch, LLC's Notice of Intent to Provide Public Notice of Public Hearing pursuant to Government Code sec. 65956(b). Hard copies will follow via U.S. mail. Don't hesitate to contact me with any questions. Very truly yours, Tamar C. Stein

Tamar C. Stein  
Cox Castle & Nicholson LLP  
2049 Century Park East, Suite 2800  
Los Angeles, CA 90067-3284  
Phone: 310-284-2248  
Fax: 310-277-7889  
Email: tstein@coxcastle.com

6/23/2009

**Public Notice of Issuance of Water Reclamation Requirements ("WRRs") and Waste Discharge Requirements ("WDRs") for the Malibu La Paz Project proposed by Malibu La Paz Ranch, LLC ("La Paz"); Los Angeles Regional Water Quality Control Board ("LARWQCB") File No. 08-0101:**

The project consists of a 112,058 Sq. ft. commercial retail, restaurant and office facility and a 20,000 sq. ft. City Hall building to be located on three separate parcels of land totaling 15.29 acres in the Civic Center area of the City of Malibu; said parcels also being referred to as Los Angeles County Assessor Parcel Numbers 4458-022-023 & 4458-022-024. The project proposes to recycle and beneficially reuse all of its wastewater on-site for in-building toilet reuse and landscape irrigation in accordance with the provisions and specifications set forth in the "**Malibu La Paz Development Engineering Report for the Production, Distribution & Use of Title 22 Disinfected Tertiary Recycled Water,**" dated May 6, 2009 as prepared by Lombardo Associates, Inc.. The applicant, La Paz, has filed a Report of Waste Discharge Application with the LARWQCB for Water Reclamation Requirements ("WRRs") and Waste Discharge Requirements ("WDRs") for the project.

This public notice is being provided by the applicant for the project in accordance with Government Code section 65956 (b) because the LARWQCB has failed to provide a hearing within the time required by the Permit Streamlining Act. Pursuant to Government Code section 65956 (b), ***the WRRs/WDRs referenced herein shall be deemed approved if the LARWQCB has not acted by Monday, August 31, 2009, 60 days after this notice was provided.***

Members of the public who wish to learn more about the project should contact the LARWQCB. Please contact either LARWQCB Staff Member Elizabeth Erickson at (213) 620-2264 or Rebecca Chou at (213) 620-6156. Copies of all project plans, reports, correspondence and other relevant documentation may also be obtained directly from the LARWQCB, located at 320 West Fourth Street, Suite 200, Los Angeles, CA 90013 (213) 576-6600 (phone) or (213) 576-6640 (fax); [http://www.swrcb.ca.gov/losangeles/about\\_us/contact\\_us/](http://www.swrcb.ca.gov/losangeles/about_us/contact_us/).

***This notice supersedes any prior notice provided by La Paz.***

**EXHIBIT 17**



# California Regional Water Quality Control Board

## Los Angeles Region



Linda S. Adams  
Cal/EPA Secretary

320 W. 4th Street, Suite 200, Los Angeles, California 90013  
Phone (213) 576-6600 FAX (213) 576-6640 - Internet Address: <http://www.waterboards.ca.gov/losangeles>

Arnold Schwarzenegger  
Governor

VIA E-MAIL AND U.S. MAIL

June 23, 2009

Ms. Tamar C. Stein  
Cox, Castle & Nicholson LLP  
2049 Century Park East, 28<sup>th</sup> Floor  
Los Angeles, CA 90067-3284

**RE: Response to June 16, 2009 Letter Regarding Notice of Intent of Provide Public Notice of Hearing in the Malibu La Paz Application**

Dear Ms. Stein:

The Los Angeles Regional Water Quality Control Board strongly disagrees with your conclusion that Malibu La Paz Ranch's application for waste discharge and water reclamation requirements is complete. As a consequence, the Los Angeles Regional Water Quality Control Board hereby rejects your notice that La Paz intends to provide public notice pursuant to Government Code section 65956(b).

In a letter dated March 11, 2009 to Mr. Stanley Lampert of your office, Senior Staff Counsel Jeffery Ogata set forth the facts upon which we base our disagreement with La Paz that the application was deemed "complete" by the Regional Board and/or by operation of law. We continue to believe that La Paz has not completely responded to our requests for information that would allow us to conclude that La Paz's application is "complete". A copy of the letter is attached for your information.

Further, we are informed and believe that the Coastal Commission has not yet approved the La Paz project. There is adequate time for the Regional Board to consider and prepare complete waste discharge requirements without causing harm to La Paz. Given the current resource limitations at the Regional Board, we intend to be prepared to place the permit application on the agenda of the February 2010 board meeting.

Finally, pursuant to Government Code section 65943, subdivision (a), the application must contain a statement that "it is an application for a development permit" in order to meet the requirements of the Permit Streamlining Act. In reviewing La Paz's report of waste discharge,

*California Environmental Protection Agency*



Recycled Paper

*Our mission is to preserve and enhance the quality of California's water resources for the benefit of present and future generations*

Ms. Tamar C. Stein  
Cox, Castle & Nicholson LLP

June 23, 2009

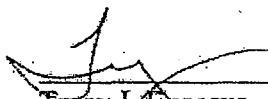
- 2 -

there is no statement that the application was for a development permit and therefore La Paz cannot assert that its application is complete pursuant to this section.

Pursuant to Government Code section 65956.5, you have a right to submit an appeal in writing prior to providing advance notice to the intent to provide public notice.

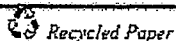
We are not providing a list of interested persons as you requested as those individuals may have privacy concerns about having a third party use the Regional Board's lists, and because we reject your notice of intent to provide a public hearing in this matter.

Sincerely,

  
Tracy J. Egoscue  
Executive Officer

Enclosure:

*California Environmental Protection Agency*



*Our mission is to preserve and enhance the quality of California's water resources for the benefit of present and future generations.*



## California Regional Water Quality Control Board Los Angeles Region



Linda S. Adams

Secretary for  
Environmental Protection

320 West Fourth Street, Suite 200, Los Angeles, California 90013  
Phone (213) 576-6600 • Fax (213) 576-6640 • Internet Address: <http://www.waterboards.ca.gov/losangeles>

Reply To: Jeffery M. Ogata, Senior Staff Counsel  
Office of Chief Counsel, P.O. Box 100, Sacramento, California 95812-0100  
Direct: (916) 341-5190 • [jogata@waterboards.ca.gov](mailto:jogata@waterboards.ca.gov)  
Office: (916) 341-5161 • Fax (916) 341-5199

Arnold Schwarzenegger  
Governor

March 11, 2009.

### VIA U.S. MAIL & EMAIL

Mr. Stanley W. Lamport  
Cox, Castle & Nicholson, LLP  
2049 Century Park East, 28<sup>th</sup> Floor  
Los Angeles, CA 90067-3284  
[slamport@coxcastle.com](mailto:slamport@coxcastle.com)

Dear Mr. Lamport:

### NOTIFICATION OF INCOMPLETE APPLICATION FOR WASTE DISCHARGE REQUIREMENTS, MALIBU LA PAZ, 3700 LA PAZ LANE, MALIBU, CALIFORNIA (FILE NO. 08-0101) , AND YOUR LETTER DATED FEBRUARY 12, 2009.

The Los Angeles Regional Water Quality Control Board (Regional Board) staff received your letter of February 12, 2009, stating your view that La Paz's Report of Waste Discharge (ROWD) was complete as of January 1, 2009.

We respectfully disagree because La Paz, contrary to your assertion, still has not submitted all of the information set forth in our letters as described below.

As we informed your client on January 15, 2008 and February 15, 2008, the ROWD for the Malibu La Paz project is not complete until the Department of Public Health (DPH) and our office has approved a Title 22 Engineering Report. Please note that the approval your client must obtain is approval of a final Title 22 Engineering Report (not just approval of a 'conceptual' Title 22 Engineering Report).

In the final Title 22 Engineering Report, we expect that your client will specify all engineering details for the treated wastewater that La Paz proposes to recycle, including the design for the plumbing system to reclaimed-water-flush toilets and for an irrigation disposal system that is capable of full evapo-transpiration (E-T) of the recycled water. While the Regional Board staff and the DPH support La Paz's conceptual approaches, your client has not yet provided critical details, such as the dual piping specifications including back-flow preventers needed for the toilet plumbing system, control features and sampling ports for the recycled water storage, and a model demonstrating the water cycle on the site and that reliance on E-T is realistic under critical conditions (wet seasons). As a specific example of a deficiency in the ROWD, there is only a general discussion, without substantiating evidence, that does not demonstrate that the design is adequate for predicted flows and that the project truly is not releasing any waste to the environment. Alternatively, if the design is not adequate to avoid a release to underlying groundwater

*California Environmental Protection Agency*

and your client proposes to pump some amount of groundwater to achieve a 'no net discharge,' that amount of groundwater pumping is not clear to us. Also, La Paz has not clearly demonstrated that it has a reasonable ability to reuse the groundwater it pumps, or, alternatively, if it will need an additional Waste Discharge Requirement for the groundwater it will pump (which would likely contain the wastewater the project will discharge).

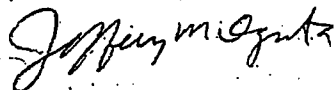
In our letter dated June 11, 2008 to Mr. Don Schmitz, staff again reiterated that "Conceptual approval and preparation of the Waste Discharge Requirements can be considered once CEQA is approved by the City of Malibu and the **Report of Waste Discharge is complete.**" (Emphasis added.) As set forth above, the ROWD is still not complete because your client, despite your assertion to the contrary, has not submitted all of the information detailed in the January 15, 2008 and February 15, 2008 letters.

Also, you stated in your February 12, 2009 to Tracy Egoscue that La Paz submitted a letter to the Regional Board that contained the City's CEQA documentation, informing the Board that "the application was complete in light of the Board's prior correspondence." We have not received a letter from La Paz dated December 2, 2008. Ms. Elizabeth Erickson received an email from Chris Deleau with his assertion on that date, but given all of our prior written correspondence set forth above, he was incorrect.

We are attempting to bring this matter to the Board for action but we still need the information described at the beginning of this letter.

We look forward to your comments and appreciate your assistance in providing the necessary information in a timely fashion. If you have any technical questions, please call Elizabeth Erickson at (213) 620-2264. I may be reached at (916) 341-5190.

Sincerely,



Jeffery M. Ogata  
Senior Staff Counsel

Mr. Stanley W. Lamport

- 3 -

March 11, 2009

cc . all via email only

Don Schmitz  
Schmitz & Associates

Pio Lombardo  
Lombardo Engineering, Inc.

Craig George  
Granville Bowman  
Andrew Sheldon  
Jim Thorsen  
City of Malibu

Gordon Innes, Senior Engineer  
Division of Water Quality

Tracy Egoscue, Executive Officer  
Los Angeles Regional Water Quality  
Control Board

*California Environmental Protection Agency*



EXHIBIT 18



# California Regional Water Quality Control Board

## Los Angeles Region



Linda S. Adams  
Cal/EPA Secretary

320 W. 4th Street, Suite 200, Los Angeles, California 90013  
Phone (213) 576-6600 FAX (213) 576-6640 - Internet Address: <http://www.waterboards.ca.gov/losangeles>

Arnold Schwarzenegger  
Governor

### VIA E-MAIL AND U.S. MAIL

July 2, 2009

Ms. Tamar C. Stein  
Cox, Castle & Nicholson LLP  
2049 Century Park East, 28<sup>th</sup> Floor  
Los Angeles, CA 90067-3284

**RE: Response to June 24, 2009 Public Notice of Issuance of Water Reclamation Requirements and Waste Discharge Requirements for the Malibu La Paz Application**

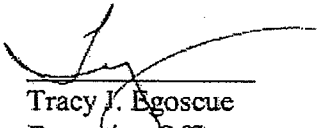
Dear Ms. Stein:

The Los Angeles Regional Water Quality Control Board reaffirms that the Malibu La Paz Project application proposed by the Malibu La Paz Ranch, LLC is NOT complete. We believe Malibu La Paz Ranch, LLC is proceeding illegally for the reasons set forth in our June 23, 2009 letter to you. Therefore, we will not bring this incomplete application to the Regional Board for action prior to February 2010.

Also, because we do not know what project La Paz intends to construct, what the effluent limitations are or the discharge conditions it intends to follow, we will be referring any public callers to you.

We will be considering all of our legal options should Malibu La Paz go forward with this project prior to obtaining a permit from the Regional Board.

Sincerely,

  
Tracy J. Egoscue  
Executive Officer

*California Environmental Protection Agency*



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## EXHIBIT 19



Cox, Castle & Nicholson LLP  
2049 Century Park East, 28<sup>th</sup> Floor  
Los Angeles, California 90067-3284  
P 310.277.4222 F 310.277.7889

Tamar C. Stein  
310.284.2248  
tstein@coxcastle.com

July 8, 2009

File No. 47864

VIA E-MAIL AND U.S. MAIL

Tracy Egoscue  
Los Angeles Regional  
Water Quality Control Board  
320 W. 4th Street, Suite 200  
Los Angeles CA 90013

Re: Malibu La Paz Ranch, LLC Application for WRR/WDR

Dear Ms. Egoscue:

I have received your letters of June 23 and July 2, 2009, on behalf of the Los Angeles Regional Water Quality Control Board's (the "Board"). The Board's statements in both letters are wrong as a matter of fact and law. Malibu La Paz Ranch, LLC's ("La Paz") Application for WRR/WDR ("Application") was complete as of January 2, 2009. The Board has nevertheless refused to set the Application for a hearing and, as expressly stated in both of your letters, intends to illegally delay a hearing for at least another seven months, until February 2010, at the earliest. La Paz is therefore proceeding forward in accordance with California Government Code sec. 65920 *et seq.*, the California Permit Streamlining Act. La Paz was forced to take this action because the Board has not complied with the State's mandate to expedite decisions on applications for development projects as set forth in the California Permit Streamlining Act.

Very truly yours,

Tamar C. Stein

TCS/nmg

cc: Jeffery Ogata, Esq.

47864\1403308v1

EXHIBIT 20

**JENKINS & HOGIN, LLP**  
A LAW PARTNERSHIP

---

MICHAEL JENKINS  
CHRISTY HOGIN  
MARK D. HENSLEY  
BRADLEY E. WOHLBERG  
KARL H. BERGER  
GREGG KOVACEVICH  
JOHN C. COTTI  
ELIZABETH M. CALCIANO  
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WWW.LOCALGOVLAW.COM

WRITER'S EMAIL ADDRESS:  
CHOGIN@LOCALGOVLAW.COM

November 6, 2009

Honorable Chair Charles Hoppin and  
Members of the Board  
State Water Resources Control Board  
P.O. Box 100  
Sacramento, CA 95812-0100

Re: Petition #A-2036; Malibu La Paz Ranch, LLC Petition to State Water Resources Control Board for Review of Inaction by Los Angeles Regional Water Quality Control Board

SENT VIA U.S. MAIL & EMAIL

Honorable Chair Hoppin and Honorable Board Members:

We write to you today in support of the Malibu La Paz Project ("Project") and ask that you grant petitioner's ("La Paz") requests as stated in the above-referenced petition.

The Malibu La Paz Ranch Project Application was originally submitted to the City of Malibu ("City") in January of 2000. After extensive environmental review, which included multiple project revisions and the preparation and certification of an Environmental Impact Report ("EIR"), the City Council approved the project on November 10, 2008.

During the Project's eight year review process it was subject to the highest environmental scrutiny. Of paramount importance to the City during the Project's review process was the thorough and rigorous evaluation of La Paz's proposed "Zero Discharge" wastewater treatment system and the proper vetting of any and all issues related thereto.

The City of Malibu was conservative, deliberate and conscientious in its evaluation of the potential environmental impacts that La Paz's wastewater system might pose and in assessing the Project's consistency with established TMDLs and other relevant Water Quality Criteria contained within the Los Angeles County Basin Plan. While the City acknowledges that it is the ultimate charge of the Regional or State Board to make the findings regarding Basin Plan

JENKINS & HOGIN, LLP

[Date]

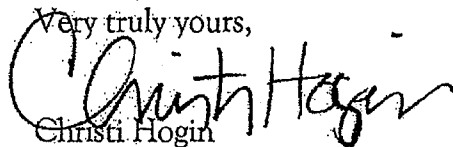
Page 2

consistency, the City did conduct an exhaustive assessment of the wastewater system design's feasibility which included an objective third-party peer review by Carollo Engineers.

In addition, the Board required La Paz to analyze the potential static and transient hydrogeologic modeling to assess the potential impacts that La Paz's wastewater system might have as a result of irrigation return flow or which might arise from emergency ("off specification") short term discharges, as required by Title 22 of the California Code of Regulations. The results of these studies were peer reviewed by objective third-parties and it was concluded that the extent of groundwater mounding on site would be limited to a matter of a few inches at the property boundary. Therefore the potential for off site mounding impacts would be virtually non-existent, likely less than the accuracy of modeling, and of no impact to any downgradient drainfields, the only environmental issue of concern.

In conclusion, we respectfully request that the Board grant La Paz's petition and approve its Project. We thank you for your time and consideration of our comments.

Very truly yours,



Christi Hogin  
City Attorney  
City of Malibu

Cc: James Herink, Esq.  
Ms. Tracy Egoscue  
Tamar C. Stein, Esq.

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(916) 446-7382 FAX

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27126A PASEO ESPADA  
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(949) 489-8354 FAX

# California State Senate

SENATOR  
MARK WYLAND  
THIRTY-EIGHTH SENATE DISTRICT



COMMITTEES  
BUSINESS &  
PROFESSIONS  
VICE-CHAIR  
LABOR & INDUSTRIAL  
RELATIONS  
VICE-CHAIR  
APPROPRIATIONS  
BUDGET & FISCAL  
REVIEW  
EDUCATION  
GOVERNMENTAL  
ORGANIZATION  
VETERANS AFFAIRS

November 4, 2009

Mr. Charles Hoppin  
Chairman  
State Water Resources Control Board  
1001 I Street  
Sacramento, CA 95814

Re: Petition #A-2036; Malibu La Paz Ranch, LLC Petition to State Water Resources Control Board for Review of Inaction by Los Angeles Regional Water Quality Control Board

SENT VIA UPS

Dear Chairman Hoppin:

I am writing to you to voice my support for the Malibu La Paz Project and ask that you grant petitioner's requests as stated in the above-referenced petition.

As you are well aware, the State Board itself adopted its Recycled Water Policy on February 3, 2009 stating in pertinent part:

*"California is facing an unprecedented water crisis...We strongly encourage local and regional water agencies to move towards clean, abundant, local water for California by emphasizing appropriate water-recycling, water conservation, and maintenance of supply infrastructure...these sources of supply are drought-proof, reliable and minimize our carbon footprint and can be sustained over the long-term...To this end we adopt the following goals for California: Increase the use of recycled water over 2002 levels by at least one million acre/feet per year (afy) by 2020 and by at least two million afy by the year 2030...Included in these goals is the substitution of as much recycled water for potable water as possible by 2030."*

The California Legislature recently debated how to help solve the water crisis that we currently find ourselves in. Although the methods to solving the problem differ in many respects, I concur with the SWRCB that California must do more to conserve water. In order to further progress towards this goal, it is incumbent upon the Legislature, and all agencies that have oversight of the State's water resources, to promote projects that conserve and recycle water. It is to that end that I strongly encourage you and the State Board to approve the above petition.



The Malibu La Paz Project is the model by which other private projects in the State could be compared. We should be encouraging projects of this nature, not discouraging them. This project proposes to build a state of the art onsite wastewater treatment system that will treat all wastewater to title 22 standards. **La Paz recycles 100% of this water**, approximately 7 million gallons per year equaling 21.48 acre/ft of water. I am told that this reuse is estimated to reduce potable consumption by a remarkable 60%.

The Malibu La Paz project is the high water mark for development in California. The applicant appears to have exceeded all goals California has set, much less all requirements, and has already been approved by the California Department of Public Health. It is unfortunate that the Los Angeles Regional Water Quality Control Board has not acted expeditiously to embrace and approve this project. Instead, the application has been held up which could be seen by some as possibly violating the Permit Streamline Act.

It is now incumbent on the State Board to do the right thing and approve this project. In a time where our State is facing drought and growing concern over the future of water and natural resources, we must promote projects like Malibu La Paz in any and all ways possible.

Please contact my Chief of Staff Dave Loudon at 916-651-4038 with any questions you may have.

Sincerely,



MARK WYLAND  
Senator, 38<sup>th</sup> District

MW:dsl

Cc: James Herink  
Office of Chief Counsel  
1001 I Street 22nd Floor  
Sacramento, CA 95814  
[jherink@waterboards.ca.gov](mailto:jherink@waterboards.ca.gov)

Los Angeles Regional Water Quality Control Board  
C/O Ms. Tracy Egoscue, Executive Officer  
320 West 4th Street, Suite 200  
Los Angeles, CA 90013  
[tegoscue@waterboards.ca.gov](mailto:tegoscue@waterboards.ca.gov)

Mrs. Tamar C. Stein Esq.  
Cox, Castle & Nicholson LLP  
2049 Century Park East, 28th Floor  
Los Angeles, CA 90067-3284  
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# California State Senate



## DISTRICT OFFICES

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RIPON, CA 95366  
TEL (209) 599-8540  
FAX (209) 599-8547

DAVE COGDILL  
STATE SENATOR  
FOURTEENTH DISTRICT

November 5, 2009

Charles Hopin  
Chair, State Water Resources Control Board  
P.O. Box 100  
Sacramento, CA 95812-0100

Re: Petition #A-2036; Malibu La Paz Ranch, LLC Petition to State Water Resources Control Board for Review of Inaction by Los Angeles Regional Water Quality Control Board

SENT VIA U.S. MAIL & EMAIL

Dear Mr. Hoppin:

I am writing to you to voice my support for the Malibu La Paz Project and ask that you grant petitioner's requests as stated in the above-referenced petition.

The La Paz Project is unique from a water quality and conservation standpoint in that it proposes to accomplish to *treat and beneficially reuse 100% of a project's wastewater onsite* while effectively protecting groundwater quality. The petitioners propose the construction of a \$5,000,000 Title 22 Wastewater Treatment Facility on its property to serve its project. This state of the art facility is designed to treat approximately 20,000 gallons per day and provide "tertiary" treatment of the wastewater (unrestricted water reuse standards) so the water quality is exceptional. Most public sewage treatment plants do not treat wastewater to these levels. The wastewater will be divided with about half going back to the buildings for in-building reuse for toilet and urinal flushing. The remainder of the water will be allocated towards landscaping on site. **Reuse is estimated to reduce potable water consumption for the project by 60% annually.**

In addition, the project will utilize a million gallon storage tank so as to store reclaimed water during the wet season for later reuse during warmer months when irrigation demand is high. A State-of-the-Art advanced irrigation system will monitor real-time climatological data along with soil moisture sensors in order to maximize irrigation efficiency and minimize water use. The irrigation systems will use only as much water as

is needed to keep the plants healthy. This represents an unprecedented commitment by the applicant to conserving water.

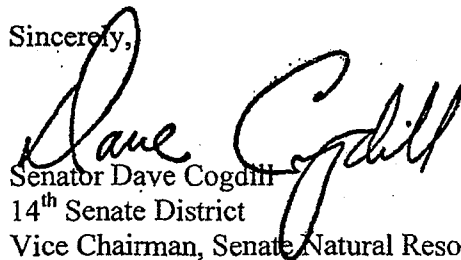
As you are well aware, the State Board itself adopted its Recycled Water Policy on February 3, 2009 stating in pertinent part,

*"California is facing an unprecedented water crisis... We strongly encourage local and regional water agencies to move towards clean, abundant, local water for California by emphasizing appropriate water recycling, water conservation, and maintenance of supply infrastructure... these sources of supply are drought-proof, reliable and minimize our carbon footprint and can be sustained over the long-term... To this end we adopt the following goals for California: Increase the use of recycled water over 2002 levels by at least one million acre/feet per year (afy) by 2020 and by at least two million afy by the year 2030... Included in these goals is the substitution of as much recycled water for potable water as possible by 2030.*

La Paz meets and exceeds these goals, today. In fact, no private project in California to date has proposed to treat and reuse 100% of its wastewater on site. La Paz is the first to propose such advanced treatment (water quality) and extensive reuse (conservation). The project was designed to meet and exceed all goals and expectations stated in the State's Water Recycling Policy, and does so in dramatic fashion.

The Malibu La Paz project is the high water mark for development in California. The applicant's have exceeded all goals California has set much less all requirements, and has already been approved by the California Department of public Health. It is unfortunate that the Los Angeles Regional Water Quality Control Board has not acted quickly to embrace and approve this project. Instead, the regional board has held the application up violating the permit streamline act in the process. It is now incumbent on the State Board to do the right thing and approve this project. In a time where our State is facing drought and growing concern over the future of water and our natural resources we must promote projects like Malibu La Paz in any and all ways possible.

Sincerely,

  
Senator Dave Cogdill  
14<sup>th</sup> Senate District  
Vice Chairman, Senate Natural Resources Committee

Cc: James Herink, Office of Chief Counsel: Tracy Egoscue, Los Angeles Regional Water Quality Control Board: Mrs. Tamar C. Stein Esq.

STATE CAPITOL  
P.O. BOX 942849  
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# Assembly California Legislature



JEAN FULLER  
ASSEMBLYMEMBER, THIRTY-SECOND DISTRICT

COMMITTEES  
VICE CHAIR  
WATER, PARKS, AND  
WILDLIFE  
MEMBER  
AGRICULTURE  
BUDGET  
UTILITIES AND COMMERCE

November 5, 2009

Attn: Honorable Chair Charles Hopin  
State Water Resources Control Board  
P.O. Box 100  
Sacramento, CA 95812-0100

Re: Petition #A-2036; Malibu La Paz Ranch, LLC Petition to State Water Resources Control Board for Review of Inaction by Los Angeles Regional Water Quality Control Board

SENT VIA U.S. MAIL & EMAIL

Honorable Chair Hoppin:

We are writing to you to voice our support for the Malibu La Paz Project and ask that you grant petitioner's requests as stated in the above-referenced petition.

As you are well aware, the State Board itself adopted its Recycled Water Policy on February 3, 2009 stating in pertinent part,

*"California is facing an unprecedented water crisis...We strongly encourage local and regional water agencies to move towards clean, abundant, local water for California by emphasizing appropriate water recycling, water conservation, and maintenance of supply infrastructure...these sources of supply are drought-proof, reliable and minimize our carbon footprint and can be sustained over the long-term...To this end we adopt the following goals for California: Increase the use of recycled water over 2002 levels by at least one million acre/feet per year (afy) by 2020 and by at least two million afy by the year 2030...Included in these goals is the substitution of as much recycled water for potable water as possible by 2030.*

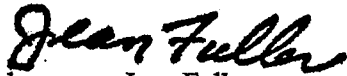
The California Legislature is currently debating how to solve the water crisis that we currently find ourselves in and although the methods to solving the problem may defer in many respects, we do concur with the SWRCB in that California must do more to conserve water. As part of that, it is incumbent upon the legislature, and all agencies that have oversight of the State's water resources, to promote projects that conserve and recycle water. It is to that end that we strongly encourage you and the State Board to approve the above petition.

The Malibu La Paz Project is the model by which other private projects in the State should be compared. We should be encouraging and incentivizing projects of this nature not discouraging them. The project proposes to build a state of the art onsite wastewater treatment system that will treat all wastewater to title 22 standards. **La Paz recycles 100% of this water**, approximately 7 million gallons per year equaling 21.48 acre/ft of water. No private project in California to date has proposed to treat and reuse 100% of its wastewater. This reuse is estimated to reduce potable consumption by a remarkable 60%. This is right in line with the targets the State has been promoting.

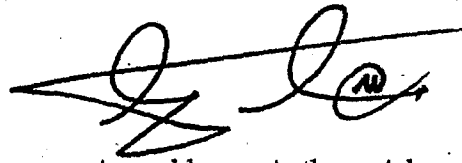
Upon reviewing the project you will undoubtedly notice that the project utilizes green technology and infrastructure wherever possible reducing its carbon footprint and impact on the surrounding environment significantly. In fact, La Paz contributes to the environment in a very real and positive manner. This approach has made the project a LEED (Leadership in Energy and Environmental Design) gold certificate candidate. Established by the United States Green Building Council, LEED is a holistic approach to promote sustainable development practices using a project's performance in five critical areas as its gauge. These areas are, sustainable site development, water savings, energy efficiency, materials selection, and indoor environmental quality. In all five areas the USGBC has found that La Paz sets a high mark of achievement. We have included their letter here and ask that it be submitted into the record.

The Malibu La Paz project is the high water mark for development in California. The applicant's have exceeded all goals California has set, much less all requirements, and has already been approved by the California Department of Public Health. It is unfortunate that the Los Angeles Regional Water Quality Control Board has not acted quickly to embrace and approve this project. Instead, the regional board has held the application up violating the permit streamline act in the process. It is now incumbent on the State Board to do the right thing and approve this project. In a time where our State is facing drought and growing concern over the future of water and our natural resources we must promote projects like Malibu La Paz in any and all ways possible.

Sincerely,



Assemblywoman Jean Fuller  
Vice Chair, Water, Parks and Wildlife Committee



Assemblyman Anthony Adams



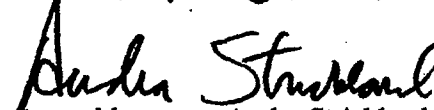
Assemblyman Tom Berryhill



Assemblywoman Diane Harkey



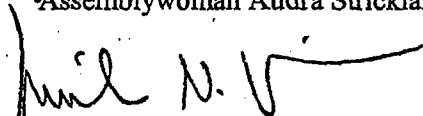
Assemblyman Cameron Smyth



Assemblywoman Audra Strickland



Assemblyman Van Tran



Assemblyman Mike Villines

Cc:

James Herink  
Office of Chief Counsel  
1001 I Street 22nd Floor  
Sacramento, CA 95814  
[jherink@waterboards.ca.gov](mailto:jherink@waterboards.ca.gov)

Los Angeles Regional Water Quality Control Board  
C/O Ms. Tracy Egoscue, Executive Officer  
320 West 4th Street, Suite 200  
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Mrs. Tamar C. Stein Esq.  
Cox, Castle & Nicholson LLP  
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GREENWORKSSTUDIO

September 19, 2008

Matt Dzurec, Senior Planner  
Schmitz & Associates, Inc.  
5234 Chesebro Road, Suite 200,  
Agoura Hills, CA 91301

Re: Malibu La Paz Ranch, LLC  
Preliminary LEED Certification Review

Dear Mr. Dzurec:

Our review of the Malibu La Paz Ranch mixed use development project indicates that the project is designed to fulfill a wide spectrum of sustainable best practices; and, to be an exemplary model of development which could contribute to sustainability goals both within the project and projected links for future adjacent projects. Our assessment is that the project design can be developed to target a LEED (Leadership in Energy and Environmental Design) Silver or Gold level certification. The framework for this level of achievement in sustainable applications is inherent in the design for: site development; stormwater treatment; water reclamation, conservation and reuse; indigenous plantings and man made wetlands; and, an emphasis on providing connectivity to existing and potential adjacent property developments.

The recreational uses planned for in the design highlight the intent to build community connectivity, a fundamental goal of sustainable project design. Pedestrian walkways, bicycle paths, and bike racks are laid out in the site design such that these will encourage use within the site and connect to the planned Malibu Pacific Trail along Civic Center Way, connecting to the Malibu Creek Trail and linking the project recreational circulation to the future Legacy Park.

Landscape design includes hardscape surfaces and plantings which are designed to reduce the heat island effect or thermal gradient increase of developed properties over adjacent undeveloped properties. The project will incorporate a combination of the primary means of reducing heat islands as measured in the LEED credit rating system. These include providing shade, using paving materials with a high solar reflectance surface and providing for extensive underground parking. Reducing the effect of heat islands enhances the community's outdoor experience of the project and, by lowering the ambient exterior temperature gradient, reducing the energy load required for cooling the facilities.

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LOCATIONS

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A comprehensive Water Reuse and Conservation plan engages the most technically advanced management systems currently available. The system includes an onsite wastewater treatment system that produces wastewater compliant with requirements for recycling water for irrigation and toilet flushing usage, following the strict requirements of California's Title 22 requirements. The management system is designed for a capacity that results in no net discharge of wastewater and all project wastewater will be recycled for use onsite in the approved applications of irrigation and toilet flushing. The wastewater management and recycling system is designed at a capacity to prevent groundwater mounding both on the site and adjacent properties.

The Water Quality Management System includes stormwater quality and quantity treatment strategies using low impact best practices including vegetated swales to filter and remove contaminants from parking area runoff. The site design features a manmade 'wetland' area where sediments are broken down and suspended solids collected and treated. The wetland design approach is intended to replicate a natural process of filtration on site and reducing transfer of contaminants to the groundwater and off-site bodies of water.

The exterior lighting narrative outlines how the project will provide for safety requirements while not spreading ambient light pollution onto adjacent properties. As the project design is further developed, the photometrics of the lighting plan will be studied further to assure compliance with light pollution civic requirements, which are more stringent than the standards for this credit in the LEED rating system.

Our assessment of the project's eligibility for a LEED Silver or Gold certification focused on the exterior aspects of the project's sustainable design features. As the project is further developed in design development and specifications requirements, we see that there are equally innovative measures that the project can adopt within this design which will substantiate LEED sustainable measures in reducing energy consumption, use of environmentally responsible materials and an attention to indoor air quality.

The sustainability features in the site design of the Malibu La Paz Ranch together with further building specific design development substantiate the project targeting a LEED Silver or Gold certification.

Sincerely,

GREENWORKS STUDIO

Elisabeth R. Newell, R.A. LEED AP



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JOEL ANDERSON  
ASSEMBLY MEMBER, SEVENTY-SEVENTH DISTRICT

November 5, 2009

Attn: Honorable Chair Charles Hopin  
State Water Resources Control Board  
P.O. Box 100  
Sacramento, CA 95812-0100

Re: Petition #A-2036; Malibu La Paz Ranch, LLC Petition to State Water Resources Control Board for Review of Inaction by Los Angeles Regional Water Quality Control Board

SENT VIA U.S. MAIL & EMAIL

Honorable Chair Hoppin and Board Members:

I write to the Board today to express my concerns regarding the handling of the above-referenced permitting matter and the manner in which it has been handled by the Los Angeles County Regional Water Quality Control Board ("Board").

It appears that the Board has violated the mandates of the Permit Streamlining Act ("PSA") by refusing to act upon Petitioner's Report of Waste Discharge Application ("Application") in a timely and lawful manner. Particularly troubling is La Paz's allegation that the Board's inaction is "*calculated to force La Paz into the teeth of a [septic] prohibition that the LARWQCB is currently processing.*" (Page 2 pgh 1 La Paz Ranch Petition); a prohibition that I am to understand was adopted as part of a Basin Plan Amendment ("BPA") as of yesterday, November 5, 2009.

I understand that Petitioner's documents indicate that La Paz made its final submittal for Application completion on December 2, 2008 and that the Regional Board did not respond to this submittal until March 11, 2009. The PSA requires that all development application submittals be responded to within 30 days time and that the Board make its application completion determination within such time. A failure to make such a determination within said time frame effectuates application completion as a matter of law pursuant to Government Code Section 65943.

Following the completion date of the Application on January 2, 2009, the Regional Board had 180 days to hear and vote upon the Application; yet it failed to do so. As I understand, La Paz followed the strict noticing procedures prescribed by 65956 of the Government Code. Again the Board's response was to dismiss the effect of these actions while maintaining that the Application was incomplete.

In conclusion, I would ask that the State Board grant La Paz's petition and acknowledge that La Paz's permit was "deemed approved" as a matter of law. Additionally, I would request that the State Board review the record very carefully and make the necessary inquiries in examining La Paz's allegations.

I thank you for your time and consideration in this matter and look forward to your findings.

Sincerely,

A handwritten signature in cursive script, appearing to read "Joel Anderson".

Joel Anderson  
Vice Chair  
California State Assembly Committee on Government Organization



**RICHARD N. SLAWSON**  
Executive Secretary

# **Los Angeles / Orange Counties Building and Construction Trades Council**

*Affiliated with the Building & Construction Trades Dept., AFL-CIO*

1626 Beverly Boulevard  
Los Angeles, CA 90026-5784  
Phone (213) 483-4222  
(714) 827-6791  
Fax (313) 483-4419

November 2, 2009

Sent Via U.S. Mail & Facsimile  
(916) 341-5620

Attn: Honorable Chair Charles Hopin  
State Water Resources Control Board  
P.O. Box 100  
Sacramento, CA 95812-0100

**Re: Petition #A-2036; Malibu La Paz Ranch, LLC Petition to State Water  
Resources Control Board for Review of Inaction by Los Angeles Regional  
Water Quality Control Board**

Honorable Chair Hopkin:

I am writing on behalf of the Los Angeles/Orange County Building and Construction Trades Council and our 140,000 members to voice our support for the Malibu La Paz Project and to ask that you grant their request as stated in the above-referenced petition.

As you are aware California's unemployment deficits are currently reaching disastrous levels, especially among the construction trades. While the need to produce jobs is a necessity in these difficult times, we are cognizant of the precious natural resources our great state offers and understand the need to protect them. The key is to strike a balance between encouraging developments that provide jobs and protecting the environment as best we can. We believe the Malibu La Paz project is one such project and the LA/OC BCTC fully supports its quick approval by the SWRCB.

The La Paz project proposes to build a state-of-the-art onsite wastewater treatment system that will treat all wastewater to title 22 standards. **La Paz recycles 100% of this water**, approximately 7 million gallons per year equaling 21.48 acre/ft of water. Our understanding is that no private project in California to date has proposed to treat and reuse 100% of its wastewater. From our preliminary discussions La Paz estimates to reduce potable consumption by a remarkable 60%. La Paz is a model conservation project and when we do find a project that does this, it is incumbent upon the building trades, as well as the State to do all that we can to encourage these projects to move forward quickly.

The project also proposes to construct 112,058 sq. ft. of mixed office/retail development on 15.29 acres + 20,000 sq. ft. of Municipal Building on 2.3 acres of land donated to the City to construct municipal facilities. At an estimated \$100 million in total construction costs, including the municipal uses, this project represents thousands of potential construction jobs at a time when our local economy desperately needs them. The positive

impact that these living wage jobs will have on the surrounding economy and to the State must not go unrecognized.

The local Board's inaction and disparate treatment of the La Paz project is regrettable, unfortunate and ultimately counterproductive to the State's conservation goals and its struggling economy. We urge the Board to acknowledge the leadership role that La Paz has taken towards these goals; a role which several other local projects are currently following.

Sincerely,



Richard Slawson  
Executive Secretary

RS:aht  
opein#537/afl-cio



# CALIFORNIA BUSINESS PROPERTIES ASSOCIATION

1121 L Street, Suite 809 • Sacramento, CA 95814 • Phone (916) 443-4676 • Fax (916) 443-0938 • www.cbpa.com

October 15, 2009

Attn: Honorable Chair Charles Hoppin  
State Water Resources Control Board  
P.O. Box 100  
Sacramento, CA 95812-0100

Re: Petition #A-2036; Malibu La Paz Ranch, LLC Petition to State Water Resources Control Board  
for Review of Inaction by Los Angeles Regional Water Quality Control Board

SENT VIA U.S. MAIL & EMAIL

Honorable Chair Hoppin:

We write to you today to offer our support for the Malibu La Paz Project and ask that you grant petitioner's requests as stated in the above-referenced petition.

CBPA is the designated legislative advocate for the International Council of Shopping Centers (ICSC), the California chapters of the Commercial Real Estate Development Association (NAIOP), the Building Owners and Managers Association of California (BOMA), the Retail Industry Leaders Association (RILA), the Institute of Real Estate Management (IREM), the California Downtown Association (CDA), the Commercial Real Estate Women (CREW), the Association of Commercial Real Estate – Southern California (ACRE) and the Certified Commercial Investment Members Institute (CCIM). CBPA currently represents over 12,000 members, making it the largest consortium of commercial real estate professionals in California.

The La Paz Project is unique from a water quality and conservation standpoint in that it proposes to *treat and beneficially reuse 100% of a project's wastewater onsite* while effectively protecting groundwater quality. The following information illustrates why the La Paz Project is unique and deserving of special attention by the Board:

**I. Water/ Energy Conservation: Private Sector Leadership is Needed and Should be Encouraged:**

The Project proposes to recycle and reuse approximately 7 million gallons of tertiary treated wastewater thus reducing the project's potable water needs (landscaping and in-building reuse) annually by that same amount (21.28 Acre/ft per year). Each year California spends millions of dollars and a substantial amount of energy to simply move potable water supplies from point A to point B, from the Delta to Southern California. It takes remarkable amounts of energy (strain on the power grid) to maintain the California Water Project; to provide ongoing service to some 20,000,000 Californians and to irrigate approximately 660,000 acres of farm land. Our water and our Power are precious resources which need to be protected.

La Paz is a model conservation project for other private developers and should be encouraged and incentivized rather than discouraged and disincentivized. The local Board's inaction and disparate treatment of the La Paz project is regrettable, unfortunate and ultimately counterproductive to the State's conservation goals. We urge the Board to acknowledge the leadership role that La Paz has endeavored to undertake towards these goals; a role which several other local projects are currently following.

## **II. Groundwater Recharge Protection/ Stasis as the Goal:**

Due to concerns over high groundwater levels groundwater mounding, the petitioner has engineered a system that proposes hyper-efficient irrigation (85-90+% irrigation efficiency). The project's landscape palette has been customized to maximize evapotranspiration ("ET") potential while the irrigation system has been designed with an onsite computer system that monitors (via satellite uplink and local soil sensors) real-time weather and moisture conditions (local ET); therefore, maximizing irrigation efficiency and minimizing irrigation return flow in compliance with the State Board's recycled water and anti-degradation policies.

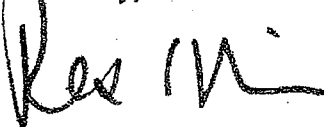
## **III. La Paz's Contribution Towards a Regional Solution**

The City of Malibu is currently working with the Los Angeles Regional Water Quality Control Board ("LARWQCB") to improve water quality within its Civic Center. While the City has prioritized storm water treatment projects over wastewater treatment projects, the City has made public its intent to design and construct a centralized sewage treatment plant for the Malibu Civic Center. Malibu has estimated that the earliest completion date for such a facility would be sometime in 2014-5.

We are pleased to acknowledge the goals and commitments made by the City to improve water quality and are further pleased that La Paz will be an integral part of that solution. As part of its development agreement (pending project approval by all requisite public agencies) La Paz has offered to dedicate 2.3 acres of land for the construction of either a City Hall or other municipal facility which would serve a public purpose. Members of the Malibu City Council have publicly stated that they intend to utilize the La Paz project site for the future home of the Municipal Wastewater Treatment Plant. In providing this land for the City's treatment plant, La Paz has further contributed towards the goal of improving water quality. In the interim, while the City endeavors to complete its wastewater treatment facility, La Paz has demonstrated that a private developer can design and engineer a system that will be on par in every respect with the City's future treatment facility.

This project offers the type of innovative thinking and leadership the private sector is prepared to provide when given the opportunity. We respectfully request that the Board grant La Paz's petition and approve its project. We thank you for your time and consideration of our comments.

Sincerely,



Rex S. Hime  
President & CEO



**JAMES F. KREISSL**  
**Environmental Consultant**  
**737 Meadowview Drive**  
**Villa Hills, KY 41017**

October 28, 2009

Attn: Honorable Chair Charles Hoppin  
State Water Resources Control Board  
P.O. Box 100  
Sacramento, CA 95812-0100

Re: Petition #A-2036; Malibu La Paz Ranch, LLC Petition to State Water  
Resources Control Board for Review of Inaction by Los Angeles Regional Water  
Quality Control Board

Honorable Chair Hoppin:

I am writing to you today to offer my support for the Malibu La Paz Project, and ask that you grant the petitioner's requests stated in the above petition.

I worked for the U.S. Environmental Protection Agency's Office of Research and Development for 37 years until I retired earlier this decade and was in charge of research and development for innovative and alternative technologies and for small community wastewater collection, treatment, and reuse. In that capacity and as Chair of the Water Environment federation's Small Community Committee, I became quite familiar with most of the technologies that are now taking over the field of environmental engineering, particularly wastewater conceptual approaches and technologies, and can discern the contexts where they can be best applied.

I have reviewed the La Paz Project plan and find it to be quite thorough and timely for the State of California. In light of the huge energy demands and costs devoted to the delivery of water to California communities, projects such as this one that reuses all the wastewater it generates should be required by the state and the Water Quality boards of all land developments. With 19% of the state's energy use devoted to moving water around and (to a far lesser extent) treating it, projects such as Malibu La Paz may offer new hope for such an unsustainable course of action.

As designed the Project offers several layers of public health protection through redundancy. It incorporates 3 different disinfection methods and three filtration steps to further purify already high quality denitrified wastewater. The incorporated safety features essentially prevent any accidental contact between humans and microbes, while protecting ground water quality. The engineering

analysis also provides comprehensive documentation of the conservative nature of the Los Angeles County Plumbing Code, but performed the design using the Code flows to provide further safety protection.

Obviously, such a development plan will have a higher capital cost than a conventional design, but the savings that will be incurred by reducing drinking water supply costs by more than 57%, with their equivalent energy and capital cost avoidance credits, and removal of any additional loading on already-stressed sewer systems. If a significant number of new and rehabilitation developments incorporate similar water conservation, water reuse, and non-discharging approaches, the state, county, and the watershed will benefit, not to mention the power grid.

It should also be noted that with proper public information programs such cutting-edge developments become quite attractive to curious citizens, thus often resulting in improved business income for commercial occupants. If the city decides to go forward with their part of this project, they are also likely to benefit from the goodwill that such a project can generate, especially if they market the concept to the citizenry and neighboring communities.

In summary, I suggest that the Malibu La Paz Project is an excellent example of how such development facilities should be designed. It is a sustainable approach that accounts for the human needs and the ecological needs of the local environment. Thus, I respectfully request that the Board grant La Paz's petition and approve this project. I thank you for the opportunity to present my comments.

Sincerely,

James F. Kreissl  
USEPA-ORD, retired





MARK B HORTON, MD, MSPH  
Director

State of California—Health and Human Services Agency  
California Department of Public Health



ARNOLD SCHWARZENEGGER  
Governor

July 23, 2009

Ms. Tracy Egoscue, Executive Officer  
California Regional Water Quality Control Board  
Los Angeles Region  
320 West 4<sup>th</sup> Street, Suite 200  
Los Angeles, CA 90013

**SYSTEM NO. 1990020 – MALIBU LA PAZ DEVELOPMENT ENGINEERING REPORT  
FOR THE PRODUCTION, DISTRIBUTION AND USE OF TITLE 22 DISINFECTED  
TERTIARY RECYCLED WATER**

Dear Ms. Egoscue:

The Department of Public Health – Drinking Water Program (Department) has reviewed the Malibu La Paz Development Engineering Report for the Production, Distribution and Use of Title 22 Disinfected Tertiary Recycled Water (Report), dated May 6, 2009, describing the treatment and reuse of disinfected tertiary recycled water for the La Paz Development in the City of Malibu. The Report follows the Department's guideline for developing a recycled water engineering report and the proposed wastewater treatment technology described in the Report is an accepted treatment technology by the Department. Therefore, the Department recommends the approval of the Report with the following conditions:

- Under the Memorandum of Agreement signed in 1996 between the Department and the State Water Resources Control Board (SWRCB), representing itself and nine California Regional Water Quality Control Boards (CRWQCB), the Department evaluates and makes recommendations to the SWRCB regarding recycled water projects. This evaluation of the Report is based only on the Department's requirements. The project proponent must obtain final approval for the Report from the CRWQCB – Los Angeles Region.
- The Department understands that the wastewater treatment system at the La Paz Development has not been constructed. Therefore, this recommendation for approval is only for the engineering report that was submitted. The project proponent should obtain final approval after the treatment system has been constructed, tested, and inspected.

- As indicated in the Report, a HiPOx ozone disinfection system will be used as the primary disinfectant. However, the Report did not include a dosage calculation that shows how the HiPOx system would meet the disinfection requirement. The project proponent should include a section on determining dosage that would meet the requirement in Section 60301.230(a)(2) of the California Code of Regulations.
- The Report has indicated that a UV disinfection system would be used as a backup disinfection system and could be the primary disinfection when the HiPOx system is out of service. If UV disinfection will be the primary disinfection, even for a limited time, the project proponent should validate the UV system or obtain a validated UV system accepted by the Department.
- The Report indicates that there will be dual plumbed buildings in the La Paz Development. However, the plumbing design for these buildings has not been completed. The project proponent should submit an amendment to the Report for dual plumbed buildings that would include the following information:
  - o A detailed description of the intended use area identifying the following:
    - The number, location, and type of facilities within the use area proposing to use dual plumbed systems,
    - The average number of persons estimated to be served by each facility on a daily basis,
    - The specific boundaries of the proposed use area including a map showing the location of each facility to be served,
    - The person or persons responsible for operation of the dual plumbed system at each facility, and
    - The specific use to be made of the recycled water at each facility.
  - o Plans and specifications describing the following:
    - Proposed piping system to be used,
    - Pipe locations of both the recycled and potable systems,
    - Type and location of the outlets and plumbing fixtures that will be accessible to the public, and
    - The methods and devices to be used to prevent backflow of recycled water into the public water system.
- The La Paz Development will consist of multiple buildings for offices, retailers, and restaurants and the property owner will be the producer, distributor, and user of the recycled water. The project proponent should establish rules/requirements on the safe usage of recycled water or include such information in tenant's

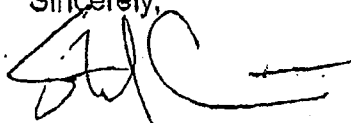
Ms. Tracy Egoscue  
July 23, 2009  
Page 3

contractual agreements. These documents should be submitted to the Department for review.

- As the La Paz Development progresses, the project proponent should also obtain approval from the Los Angeles County Department of Public Health (LACDPH) for on-site plumbing. LACDPH will perform an internal cross-connection evaluation.

If you have questions regarding this letter, please contact Mr. Chi Diep at (213) 580-5727 or myself at (213) 580-3127.

Sincerely,

A handwritten signature in black ink, appearing to be 'Stefan Cajina', with a horizontal line extending to the right.

Stefan Cajina, P.E.  
District Engineer  
Central District

Ms. Tracy Egoscue  
July 23, 2009  
Page 4

cc: Elizabeth Erickson  
California Regional Water Quality Control Board  
Los Angeles Region  
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Los Angeles, CA 90013 CA Regional

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Cross-Connections & Water Pollution Control Program  
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Baldwin Park, CA 91706-1423

ANNUAL REPORT  
STATUS OF SAMPLING,  
WASTEWATER TREATMENT &  
DISPERSAL SYSTEM  
&  
REQUEST FOR REVISION TO SAMPLING  
PROGRAM  
Malibu Village Plaza - Malibu Village,  
Malibu, CA

September 2, 2009

Environmental Engineers/Consultants

**LOMBARDO ASSOCIATES, INC.**

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## EXECUTIVE SUMMARY

The Malibu Village Shopping Center, previously known as the Malibu Cross Creek Plaza, had a wastewater collection treatment and dispersal system (wastewater system) installed in compliance with Los Angeles Regional Water Quality Control Board Order No.010. The wastewater system became operational in July 2007. This Annual Report describes the permit requirements and wastewater system's performance for the period July 2007 – August 2009. After start-up, the treatment system has met permit requirements except for bacterial exceptions due to malfunctioning disinfection equipment, a total nitrogen exception due to inadequate Advantex™ treatment unit aeration and an operator error. Corrective measures for the disinfection system were completed in May 2008. Advantex™ aeration corrective measures were completed in early September 2008 and subsequently effluent total N quality has been within permit requirements. The operator error of April 2009 has been corrected and the possibility of reoccurrence eliminated. Following is a Table summarizing the Malibu Village Shopping Center effluent quality. Of 3,100 analyses for volatile and semi-volatile organic compounds, only 8 (0.3%) had concentrations above detection limits. Of the 39 priority pollutants analyzed annually none had concentrations above actionable levels and most were below detection limits. Weekly sampling was resumed on February 19, 2009 and will continue until receipt of Board approval for a reduced sampling program.

Week of Operation	Sampling Location	Drainfield Discharge (all chemicals on Chemical Spreadsheet)																	
		DD-1																	
	Date	Total Flow	pH	TSS	BOD	Turbidity	Fecal Coliforms	Total Coliforms	Enterococ- cus	Oil & Grease	TDS	Chloride	Boron	Sulfate	Total Nitrogen	Total Phosphorus	MBAS	Total Nitrogen	TN as % TMDL
	Detection Limit		0.1	5	5	0.1	2	2	1	5	5	1	0.1	1		0.01	0.05		6 lbs/day
	Method																		
Units	gpd		mg/l	mg/l	NTU	MPN/100ml	MPN/100ml	MPN/ 100ml	mg/l	mg/l	mg/l	mg/l	mg/l	mg/l	mg/l	mg/l	mg/l	lbs/day	
4	8/16/07	9,716	5.5	10	70	11.8	900	1600	51	<5	940	228	0.32	23.4	3.4	7		0.27	4.58%
6	8/30/07	11,396	6.4	35	19	3.5									3.0			0.29	4.75%
7	9/4/07	11,514	6.6	6	11	3.0	110	900	2,419.2						4.1			0.40	6.61%
8	9/7/07	10,988	6.6	<5	<5	2.1	300	1600	2,419.2						9.95			0.91	15.20%
8	9/11/07	10,579	6.7	<5	<5	1.7	300	1600	2,419.2						4.96			0.44	7.29%
9	9/18/07	11,285	6.4	<5	6	1.0	<2	<2	<1	<5	596	241		66.4	5.29	8.79	<0.05	0.50	8.30%
10	9/25/07	11,294	6.7	<5	<5	1.0	<2	<2	<1		584				4.60			0.43	7.22%
11	10/2/07	14,221	6.4	<5	6	1.5	80	1600	2,419.2		644				3.99			0.47	7.89%
12	10/11/07	9,905	6.3	<5	12	1.8	350	1600	817.0		636				4.14			0.34	5.70%
13	10/16/07	15,862	6.4	<5	8	0.4	<2	<2	<1		652				3.87			0.51	8.53%
14	10/25/07	10,972	6.0	<5	6	1.2	2	2	<1	<5	432	165		89.9	7.80	7.91	<0.05	0.71	11.90%
15	10/30/07	16,119	6.4	<5	<5	0.5	<2	<2	<1		496				3.75			0.50	8.40%
15	11/1/07	12,183	6.2	<5	<5	1.0	50	1600	65.1		512				3.31			0.34	5.61%
17	11/15/07	14,013	7.6	<5	<5	0.7	60	500	1.0	<5	540	212	0.31	59	3.14	6.25	0.08	0.37	6.12%
20	12/6/07	9,817	6.2	9	12	1.8	2	8	<1	<5	688	270	0.24	62.1	3.57	8.54	0.08	0.29	4.87%
26	1/17/08	10,449	6.4	<5	6	1.1	<2	50	<1	<5	604	162	0.21	49.8	4.73	10.1	0.13	0.41	6.87%
33	2/29/08	11,486	6.2	<5	<5	5.4	<2	<2	<1	<5	684	226	0.23	68.4	5.61	22.9	0.13	0.54	8.96%
34	3/12/08	9,616	6.5	<5	<5	1.9	<2	<2	<1	<5	720	213	0.27	97.8	6.72	9.35	0.20	0.54	8.98%
39	4/17/08	10,075	6.4	7	<5	2.6	23	23	1.0	<5	660	205	0.34	87.2	9.17	9.83	0.24	0.77	12.84%
42	5/7/08	8,591	7.0	<5	<5	1.8	350	1600	46.0	<5	748	235	0.26	81	7.88	11.4	0.55	0.56	9.41%
49	8/25/08	8,307	6.7	8	<5	1.4	11	22	11.5	<5	776	296	0.32	132	15.91	8.24	0.42	1.10	18.37%